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*Attorneys for ALTO Northpoint, LP*

*UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY*

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Caption in Compliance with D.N.J. LBR 9004-1(b)

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In Re:

BED BATH & BEYOND INC., <i>et al.</i> ,	Chapter 11
	Case No. 23-13359 (VFP)
	(Jointly Administered
<u>Debtors.</u>	

**JOINDER TO LEASE PROCEDURES OBJECTIONS**

ALTO Northpoint, LP (“**ALTO Northpoint**”), by and through its attorneys, Holland & Knight LLP, hereby objects to the Debtors’ Motion for Entry of an Order (I) Establishing Procedures to Sell Certain Leases, (II) Approving the Sale of Certain Leases, and (III) Granting Related Relief [Dkt. No. 193] (the “**Motion**”)<sup>1</sup>:

Background

1. Debtor Bed Bath & Beyond Inc. (“**Debtor**”) and Alto Northpoint, as successor in interest to NAP Northpoint LLC, are parties to that certain Lease Agreement originally dated December 19, 1998, as amended from time to time (the “**Lease**”), related to premises comprised

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<sup>1</sup> Capitalized terms that are used but not defined herein shall have the meanings ascribed to such terms in the Motion

of approximately 28,000 square feet of floor area plus 565 square feet of mezzanine area located at Northpoint Shopping Center, Cape Coral, FL ( "**Shopping Center**" ).

2. On April 23, 2023, Debtor and certain of its affiliates (collectively, "**Debtors**") filed voluntary petitions for relief under chapter 11 of title 11 of the U.S. Code, 11 U.S.C. § 101, *et seq.*, (the "**Bankruptcy Code**"), commencing the above-captioned chapter 11 cases in the United States Bankruptcy Court for the District of New Jersey.

### **JOINDER**

3. On May 3, 2023, Debtors filed the Motion, seeking approval of certain procedures for the sale, assumption and assignment of their unexpired leases of non-residential real property, including the Lease, as well as procedures for the determination of any related Cure amounts.

4. Certain parties have filed objections to the procedures provided for in the Motion, including the objections filed by TF Cornerstone Inc. and 200-220 West 26 LLC (dkt. 313) and CMR Limited Partnership (dkt. number 334 (the "**Objections**"). ALTO Northpoint hereby joins in, adopts, and incorporates by reference the objections to the Motion's proposed lease and Cure related procedures, as described in the Objections. Alto Northpoint further reserves all rights and defenses with respect to any proposed sale, assumption, assignment or rejection of the Lease or with respect to any proposed Cure amount.

Dated: May 12, 2023

HOLLAND & KNIGHT LLP

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